



Office of Hon Marian Hobbs
MP for Wellington Central

Minister for the Environment
Minister for Disarmament and Arms Control
Minister Responsible for Archives New Zealand
Minister Responsible for the Law Commission
Minister Responsible for the National Library

Minister with Responsibility for Urban Affairs
Associate Minister for Biosecurity
Associate Minister of Foreign Affairs and Trade
Associate Minister of Justice

2 JUN 2005

s9(2)(a)

Dear s9(2)(a)

Thank you for your email of 26 April 2005 about the Civil Union Act 2004. The section of your email about the Civil Union Act has been referred to me for reply because the Act falls within my responsibilities as Associate Minister of Justice.

You suggest in your email that the Civil Union Act was really just a front for gay marriage, despite assurances before the Act was passed that it was not. The Act was passed to create a new legal status for couples who cannot or do not wish to marry and is open to both different and same sex couples. You may be interested to know that, as at 16 May, 44 notices of intended civil unions have been received, 9 from different sex couples, 17 from female same sex couples, and 18 from male same sex couples.

You also suggest that the Civil Union Act was promoted as giving de facto couples the same rights as married couples. The Civil Union Act was never intended to extend legal rights to de facto couples. The Relationships (Statutory References) Act 2005, which was passed after the Civil Union Act, was the piece of legislation that extended many rights and responsibilities to couples in a de facto relationship as well as those in a civil union. The Act did this by removing unjustifiable discrimination on the grounds of marital status and sexual orientation from New Zealand legislation. Removing discrimination is something that this Government is committed to doing and is consistent with the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

Yours sincerely

Marian L. Hobbs

Marian L Hobbs
Associate Minister of Justice

From: S9(2)(a)
Sent: 15 09 2005 14 22 34
Received: 15 09 2005 14 22 34
To: S9(2)(a)
Subject: RE: request for information

Dear, S9(2)(a)

Thank you for your email of 26 July 2005 about the recognition of overseas relationships as civil unions.

You ask about same sex marriages in Spain, Canada, Massachusetts, the Netherlands and Belgium. They are not recognised as marriages in New Zealand because same sex marriage is not legal in New Zealand. In addition, those marriages are not recognised as civil unions in New Zealand. Same sex marriages in Spain and Canada are not recognised as civil unions because the laws about such relationships are relatively recent and the New Zealand Government has not yet been able to evaluate whether they meet the minimum statutory criteria for recognition set out in section 35 of the Civil Union Act 2004. Same sex marriages in Massachusetts, the Netherlands and Belgium are not recognised as civil unions because the law in those countries does not prohibit under 16-year-olds from entering into such a marriage, although they must apply to a court or other body to do so. They therefore do not meet the minimum statutory criteria.

You also ask why registered partnerships in Finland are recognised as civil unions, but not those in Denmark, Sweden, Norway, Iceland and Greenland. The laws about registered partnerships in Denmark, Iceland and Norway do not prohibit under 16-year-olds from entering into such a partnership, although they must apply to a court or body to do so. The law about registered partnerships in Sweden allows close relatives by blood to enter into such a partnership (if approval is obtained from an administrative body) without the need to apply to a court or other body for a dispensation. Therefore, the registered partnerships in those countries do not meet the minimum statutory criteria for recognition. Registered partnerships in Greenland are not recognised because the New Zealand Government does not yet have sufficient information to be satisfied that they meet the minimum statutory criteria.

You state that you are not aware of any regimes that allow registration by under 16-year-olds. According to our records, the following jurisdictions have laws that do not prohibit under 16-year-olds entering into the particular relationship in question:

- Belgium - same sex marriages;
- Denmark - registered partnerships;
- Iceland - registered partnerships;
- the Netherlands - same sex marriages;
- Norway - registered partnerships;
- in the USA, Massachusetts - same sex marriages.

You also mention the Swiss regime. Registered partnerships in Switzerland are not recognised because the Federal law about such partnerships is relatively recent and the New Zealand Government does not yet have sufficient information to be satisfied that they meet the minimum statutory criteria.

Finally, I can assure you that the Ministry of Justice and the Ministry of Foreign Affairs continue to monitor overseas trends in the area and will provide advice to the Government if either Ministry becomes aware of any other types of overseas relationships that, as a result of law changes, meet the minimum statutory criteria for recognition.

I hope you find this information helpful.

Yours sincerely

S9(2)(a)
Legal Adviser
Ministry of Justice

S9(2)(a)

s 9(2)(a)

-----Original Message-----

From: s 9(2)(a)
Sent: Tuesday, July 26, 2005 5:01 AM
To: s 9(2)(a)
Subject: FW: request for information

Dear s 9(2)(a)

Thank you for your enquiry. As you note only a few types of overseas relationships are recognised as civil unions in New Zealand under the Civil Union Act 2004. These are Finland's registered partnerships, Germany's life partnerships, the United Kingdom's civil partnerships, New Jersey's domestic partnerships, and Vermont's civil unions.

In order to be recognised as a civil union an overseas relationship must be prescribed by regulation (under section 35(1) (a) of the Civil Union Act.

But regulations recognising an overseas relationship cannot be made unless the Minister of Justice is satisfied that the type of overseas relationship meets the requirements set out in section 35(2) of the Act. Among other things, section 35(2) requires that the type of overseas relationship:

- (a) cannot be entered into by someone under 16; and
- (b) the relationship only ends on the death of one of the parties or by a judicial or other process that would be recognised in the courts of New Zealand as a dissolution.

This is more restrictive than might at first appear. A number of jurisdictions have legal provisions that would allow under-16's to enter into civil union-like relationships (albeit with the approval of a court or administrative body). And a number of jurisdictions have civil union-like relationships can be ended by one of the parties deciding to marry someone else, without obtaining a dissolution first.

It is possible that other overseas relationships will be recognised under the Civil Union Act in the future. For now, however, it is just the five relationships mentioned above.

s 9(2)(a)

Note: This is my last day in this office. Any further correspondence on this subject should be directed to s 9(2)(a)

-----Original Message-----

From: DIA Official s 9(2)(a)
Sent: Wednesday, 20 July 2005 1:57 p.m.
To: s 9(2)(a)
Cc:
Subject: RE: request for information

Dear s9(2)(a)

This request for information came to BDM.

Thinking that the Justice Dept is the correct avenue for this enquiry are you able to answer it please.

I have told s9(2)(a) that I had been making enquiries as to who her email should be sent to.

Many thanks

DIA official s9(2)(a)
Business Support Officer
Births, Deaths and Marriages
DDI, DIA official s9(2)(a)
Email: DIA official s9(2)(a)

--- Forwarded by DIA on 20/07/2005 01:39 p.m. ---

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OFFICIAL INFORMATION ACT

s9(2)(a)

59(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

FAM - 24 - F - 02

s9(2)(a)

From: s9(2)(a)
Sent: Wednesday, 11 January 2006 11:04
To: s9(2)(a)
Subject: RE: Civil Union Act

Dear s9(2)(a)

Thank you for your email of 9 January 2006 about the Civil Union Act 2004. s9(2)(a) has asked me to reply to your email. My answers to your questions are set out below:

1. What reasons and arguments have been discussed and made for and against same sex marriage/civil union?

I suggest that you look at the parliamentary debates on the Civil Union Bill. They will give you a flavour of the arguments that were made for and against same sex civil union. The debates can be found at the following internet address:

<http://www.clerk.parliament.govt.nz/hansard/Hansard.aspx>

If you click on 24 June 2004, 2, 7, 8 and 9 December 2004, you will find the first, second and third reading debates, as well as the Committee of the Whole House debate on the Civil Union Bill.

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out of scope

s 9 (2)(a)

59
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31 MAR 2006

s9(2)(a)

Dear s9(2)(a)

Your letter of 31 January 2006 concerning a range of matters including same sex marriages and prostitution has been referred to me by the Prime Minister for a direct reply.

You express concern about an episode of the television programme Shortland Street containing a civil union. If you have a complaint about the content of a broadcast programme, you may contact the Broadcasting Standards Authority on 0800 366 996 and make a formal complaint.

In response to your statements about civil unions, the Civil Union Act provides a mechanism for both different and same sex couples to publicly declare commitment to each other and to have that commitment legally and socially recognised. The social, religious and traditional values associated with marriage will remain. Marriage will continue to be solely available to a man and a woman under the Marriage Act 1955.

You also comment on prostitution in our society. In 2004 the Prostitution Reform Act (the Act) decriminalised prostitution while not endorsing or morally sanctioning it or its use. The Act recognises that prostitution exists in our society and there is a need to protect the rights of sex workers, women and men alike, while safeguarding wider community interests.

The Government is committed to promoting respect for the human rights of all individuals in New Zealand society.

Yours sincerely

(Signed)

Hon. Mark Burton

Hon Mark Burton
Minister of Justice

From: s9(2)(a)
Sent: 28 07 2006 15 48 46
Received: 28 07 2006 15 48 46
To: s9(2)(a)
Subject: RE: Witnessing a marriage in Quebec

Hi s9(2)(a)

s9(2)(a) has asked me to respond to your email below.

I can confirm that your statement of the law is correct and that no Canadian relationships have been added to the list of recognised relationships in the Civil Unions (Recognised Overseas Relationships) Regulations 2005.

Regards,

s9(2)(a)
Legal Adviser
Public Law
Ministry of Justice
DDI: s9(2)(a)

-----Original Message-----

From: s9(2)(a) *MPM official*
Sent: Monday, 24 July 2006 9:45 a.m.
To:
Cc: s9(2)(a)
Subject: FW: Witnessing a marriage in Quebec

Classification: [SEEMAIL] [IN CONFIDENCE]

Hi s9(2)(a)

as discussed on the phone. Thanks for taking a look at this.

If a same sex couple (NZ citizens) were planning to be married in conformity to Canadian law / specifically the provisions of the Quebec Civil Code (a "civil marriage") in Québec, 1) would the marriage be recognised in NZ? and 2) can the marriage be registered in NZ? The couple has requested that a NZ representative be present at the ceremony, claiming that s43 of the NZ Marriage Act and sections 54, 56 and 58 of the Births, Deaths and Marriages Registration Act provide for this. They have requested the NZ rep certify the marriage is valid according to Canadian law, and forward a duplicate copy of the form stating this to the BDM Registrar in NZ following the ceremony.

Re question (1)

Given that New Zealand does not recognise same-sex marriages, DIA note on their website that if a couple enter into a same-sex marriage overseas, they treat it for most purposes as if the couple were entering into a civil union. The Civil Union Act 2004 establishes civil unions which can be entered into by both same sex and opposite sex couples. Section 35(1)(a) provides for the recognition, by regulation, of various types of relationships entered into in other countries as civil unions. The Civil Unions (Recognised Overseas Relationships) Regulations 2005 do not include any Canadian recognised relationships. Therefore the marriage is not able to be recognised as a civil union in NZ.

For the sake of completeness, I note that the relationship could also not be recognised as a marriage under the Marriage Act 1955. Although "marriage" is not defined in the Act, it is well-established that it does not include same-sex marriages. The definition of "marriage" on the DIA website is "a solemnised legal conjugal union of two persons of the opposite sex, a man (husband) and a woman (wife)".

Re question (2)

Registration in NZ of marriages outside of NZ is mandated by s43(1) of the Marriage Act 1955:

Any New Zealand representative who has attended the marriage of a New Zealand citizen in a country other than New Zealand and is satisfied that the marriage has been solemnised in accordance with the formalities of the law of that other country may give a certificate in the prescribed form and shall forward a duplicate copy of the certificate to the Registrar-General.

For the reasons discussed above, a same-sex marriage could not be registered in NZ as a marriage. Could it be registered as a civil union? No - there is no equivalent provision of overseas recognition for civil unions. s62A of the Births, Deaths and Marriages Registration Act 1995 provides for the registration of NZ civil unions under the Civil Union Act 2004 but further provides that "no other type of civil union may be registered under this Act."

It seems clear that a same-sex marriage entered into under Canadian law would not be recognised as a marriage in NZ, and nor could it be registered as a marriage or a civil union in NZ.

I'd be grateful if Justice could confirm whether this is a correct statement of the law on this topic at the current time and confirm that Canadian recognised relationships have not been added to the list of recognised relationships in the Civil Unions (Overseas) Regs.

Thanks v much for your help,

s 9(2)(a)

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From: s9(2)(a)
Sent: 23 03 2007 16 13 43
Received: 23 03 2007 16 13 43
To: MFAT Official s9(2)(a)
Subject: FW: recognition of spouse

Hi s9(2)(a)

Your email regarding recognition of same-sex spouses in New Zealand has been referred to me for a response.

We can advise the following in relation to your query:

- the marriage would be recognised as a de facto relationship in New Zealand - in New Zealand a de facto relationship attaches (in most circumstances) the same benefits and responsibilities as a marriage or civil union, and this would include recognising a de facto relationship for the purposes of a monetary benefit accorded to a partner.
- the marriage would not be recognised as a marriage under New Zealand law, as NZ does not recognise same-sex marriages
- the marriage would not be recognised as a civil union under New Zealand law - the Civil Union (Recognised Overseas Relationships) Regulations 2005 set out the overseas relationships that will be recognised as civil unions in New Zealand and same-sex marriages in the Netherlands will not be recognised here as they are not included in the Regulations.

In addition, while same-sex Dutch marriages are not recognised as civil unions in New Zealand, it is possible for a same-sex couple to apply to enter into a civil union in New Zealand.

Let me know if you have any further questions.

Kind regards,

s9(2)(a)

-----Original Message-----
From: s9(2)(a)
Sent: Monday, 19 March 2007 8:23 a.m.
To: Numan-Parsons, Elisabeth
Subject: FW: recognition of spouse

Hi Elisabeth

This query has come in from the NZ Embassy in The Hague. Would someone in your team be able to provide s9(2)(a) with a response, please?

Thanks

s9(2)(a)

-----Original Message-----
From: MFAT Official s9(2)(a)
Sent: Friday, 16 March 2007 6:53 a.m.
To: s9(2)(a)
Subject: FW: recognition of spouse

Classification: [UNCLASSIFIED]

Hi s9(2)(a)

I wondered if one of your colleagues could help me with this question about recognition of a same sex marriage. It is relevant to whether the person's partner gets benefits. Apparently the ICC will pay them to same sex couples where the relationship -whether marriage or a partnership is recognised in the country of the staff member's nationality. I know we do not have same sex marriage as such but we do have reg partnerships. It would seem a bit odd if couples that were in the latter lesser status could get the benefits but not the married ones.

Thanks very much

MFAT Official s9(2)(a)

s6(a) & s6(b)(ii)

b6(a) & ~~b6(b)(1)~~

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OFFICIAL INFORMATION ACT

29 AUG 2007

s9(2)(a)

Dear s9(2)(a)

SAME-SEX COUPLES AND THE MARRIAGE ACT 1955

Thank you for your letter of 24 June 2007 regarding the Marriage Act 1955. Hon Rick Barker has referred your letter to me as I have responsibility for the Marriage Act in my capacity as Minister of Justice.

The Marriage Act does not allow two people of the same sex to marry. Two people of the same sex can enter a civil union. The Civil Union Act 2004 sets out the rules and processes for two people to enter a civil union and have their civil union officially registered in New Zealand. A civil union is available to couples of the same sex or couples of different sexes.

Before anyone can enter a civil union, they must apply for a licence from the Registrar of Civil Unions. The Registrar will check that the couple meets the age requirements and are not already married or in another civil union. If all the information is in order, the Registrar will issue a Civil Union Licence. A civil union ceremony can then be held before either a Registrar of Civil Unions in a Registry Office or by an appointed Civil Union Celebrant.

Thank you for writing to me.

Yours sincerely

(Signed)

Hon. Mark Burton

Hon Mark Burton
Minister of Justice

Fam-06-03

Dear s9(2)(a)

Thank you for your email of 5 October 2007 requesting information about recognition of Dutch same-sex partnerships in New Zealand.

While the Ministry of Justice cannot provide legal advice, I can provide you with the following information about the recognition of overseas relationships in New Zealand.

New Zealand law allows for the celebration of civil unions between same-sex partners, but not marriage. New Zealand law does not recognise same-sex marriages entered into overseas.

The Civil Union (Recognised Overseas Relationships) Regulations 2005 set out the overseas relationships that will be recognised as civil unions in New Zealand. These regulations do not currently allow for the recognition of Dutch civil unions. However, a Dutch same-sex marriage or civil union may be recognised as a de facto relationship in New Zealand. In most circumstances, a de facto relationship in New Zealand has the same benefits and responsibilities as a marriage or civil union.

Your correspondence indicates that you are particularly interested in the recognition of your partnership for immigration purposes. You have specifically asked whether residing in a joint household for two years will lead to recognition of a partnership.

The criteria for recognising a partnership as a de facto relationship vary according to the purpose for which the relationship is being recognised (e.g. this could be immigration or another purpose). This determination is made having regard to all the circumstances of the relationship.

To be able to join you in New Zealand, your partner (whether recognised as a spouse, civil union, or de facto partner) must obtain permit/visa of his own. He will need to apply for his own visitor, student, or work permit/visa to come to New Zealand. Different permit/visa options may be available to your partner depending on your own immigration and residency status.

Therefore, I suggest that you contact Immigration New Zealand directly regarding the matters you raise. The website is: <http://www.immigration.govt.nz/>

You can also find a list of contact addresses at: <http://www.immigration.govt.nz/migrant/general/aboutnzis/contactus/>

Yours sincerely

Receptionist
Ministry of Justice

HUM 08 03

s9(2)(a)

From: s9(2)(a)
Sent: Tuesday, 4 December 2007 4:59 p.m.
To: MSD official s9(2)(a)
Subject: RE: gay marriage question

Hi MSD official s9(2)(a)

Sorry for not getting back to you earlier regarding this. Unfortunately, it slipped through the gaps and I have only just realised that nop-one from the team has responded to it. I hope this has not caused you any inconvenience.

We do not consider that the Civil Union Act 2004 gives rise to discrimination in terms of section 19(1) of the New Zealand Bill of Rights Act 1990. This is reflected in the fact that in their review of the Act, the Crown Law office did not consider this an issue. In fact, the opposite is true. As noted by Butler and Butler in their book *The New Zealand Bill of Rights Act: A Commentary*, "Huge strides have been made in recent years in eliminating legal discrimination against homosexuals, culminating in the enactment of the Civil Union Act 2004 and the Relationships (Statutory References) Act 2005. The latter has equalised the treatment of same-sex couples in almost all fields."

This was endorsed by the Justice and Electoral Select Committee in their consideration of the Bill. The Committee reported that many submitters asked them to give meaning to their human rights by allowing their loving and committed relationships to be recognised by the State. Allowing for civil union did not impinge on those who wanted marriage to remain exclusively for a man and a woman. Many felt that as marriage had the history that it has, it was appropriate to create a new form of union that was inclusive from the outset.

It is true that in a few isolated areas, there are legislative provisions that give rise to inequality on the grounds of sexual orientation. These areas, however, are either subject to existing policy reforms (i.e. the review of the Adoption Act) or the discrimination in question has been assessed as being justified in terms of section 5 of the Bill of Rights Act.

If you would like us to elaborate on this information, please do not hesitate to contact me.

Kind regards
 s9(2)(a)

From: MSD official s9(2)(a)
Sent: Thursday, 20 September 2007 10:09 a.m.
To: s9(2)(a)
Subject: gay marriage question

Hi s9(2)(a)

My request to Margaret bounced back. Are you able to help with the following please?

MSD official s9(2)(a)

PO Box 1556
Wellington

Phone
Fax

s9(2)(a)

----- Original Message -----

Subject: gay marriage question

Date: Thu, 20 Sep 2007 09:49:43 +1200

From: s9(2)(a) MSD official

To: Dugdale, Margaret <margaret.dugdale@justice.govt.nz>

Hi Margaret

Could you please give me a hand with a response to the question below? I received it from a member of the lesbian community in Auckland and would like to get back to her early next week if possible.

"I am keen to hear of the governments policy toward gay marriage and how it can explain the current situation regarding civil unions that does not confer equality or dignity and contravenes Human Rights legislation."

Thanks,

s9(2)(a)

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Office of Hon Simon Power

Minister of Justice
Minister for State Owned Enterprises
Minister of Commerce

Minister Responsible for the
Law Commission
Associate Minister of Finance
Deputy Leader of the House

s9(2)(a)

Dear s9(2)(a)

Same-Sex Marriage

Thank you for your letter of 3 November 2008 to Rt Hon Helen Clark regarding same-sex marriage. Your letter has been referred to me for a response as I am now responsible for marriage laws as the new Minister of Justice.

I understand that you feel that same-sex couples should be able to marry. In New Zealand, the Marriage Act 1955 sets out the law about who can marry. The Court of Appeal has held that the present law does not permit same-sex couples to marry. No changes to the law to allow same-sex marriages are currently being considered.

In 2004, however, Parliament passed the Civil Union Act to ensure that same-sex couples were able to have their relationship formally recognised. This Act allows both same and opposite-sex couples to publicly declare their commitment to each other and to have that commitment legally and socially recognised by entering a civil union. Since the Civil Union Act was passed, over 1,000 same-sex couples have chosen to recognise their relationship by entering a civil union.

Parliament has also passed legislation to ensure that civil union partners have the same legal rights and responsibilities as married couples. These rights and responsibilities also apply to both same and opposite-sex couples who have chosen not to formally recognise their relationship, but who are in a de facto relationship.

I hope this information is useful.

Yours sincerely

Hon Simon Power
Minister of Justice

s 9(2)(a)

Dear s 9(2)(a)

Same-sex Marriage

Thank you for your letter of 21 September 2010 regarding same-sex marriage and the Marriage Act 1955.

The Court of Appeal in *Quilter v Attorney-General* [1998] 1 NZLR 523 held that the Marriage Act envisaged marriage only between people of different sex. The Court did not find that Act to be inconsistent with the New Zealand Bill of Rights Act 1990. The Government has no plans to amend the Marriage Act at this time.

The Civil Union Act 2004 allows both same-sex and opposite-sex couples to declare their commitment to each other, and have that commitment recognised. It is also important to note that the Relationships (Statutory References) Act 2005 amended several Acts to remove discrimination on the grounds of marital status and sexual orientation. The Government does not consider a civil union to be a second class status.

Thank you for taking the time to write to me.

Yours sincerely

Hon Simon Power
Minister of Justice



Office of Hon Simon Power

MP for Rangitikei

Minister of Justice

Minister for State Owned Enterprises

Minister of Commerce

Minister Responsible for the Law Commission

Associate Minister of Finance

Deputy Leader of the House

08 NOV 2010

s9(2)(a)

EMAILED

Date 8 / 11 / 10

Dear s9(2)(a)

Same-sex marriage

Thank you for your email of 11 October 2010 regarding same-sex marriage in New Zealand. The Prime Minister has referred your email to me for reply because marriage falls within my portfolio responsibilities.

The Government has no plans to introduce same-sex marriage. The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

Parliament passed the Relationships (Statutory References) Act 2005 and made changes to a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws. Our legislation recognises people's rights, supports all people in committed, exclusive and stable relationships and ensures that the law adequately reflects their understanding of the responsibilities that flow from such a relationship. It also shows the Government's commitment to promoting respect for the human rights of all individuals in New Zealand society.

I hope this information is helpful.

Yours sincerely

Hon Simon Power
Minister of Justice

Previous response



Office of Hon Simon Power

MP for Rangitikei

Minister of Justice

Minister for State Owned Enterprises

Minister of Commerce

Minister Responsible for the Law Commission

Associate Minister of Finance

Deputy Leader of the House

EMAILED

Date 8/12/10

08 DEC 2010

s9(2)(a)

Dear s9(2)(a)

Adoption and Marriage law

Thank you for your correspondence of 30 October 2010 regarding adoption and marriage by same-sex couples. Your correspondence was referred to me by the office of the Prime Minister as these matters fall within my portfolio responsibilities as Minister of Justice.

In New Zealand, the Marriage Act 1955 sets out the law about who can marry. The Court of Appeal has held that the present law does not permit same-sex couples to marry. In 2004, however, Parliament passed the Civil Union Act to ensure that same-sex couples were able to have their relationship formally recognised. This Act allows both same and opposite-sex couples to publicly declare their commitment to each other and to have that commitment legally and socially recognised by entering a civil union. Since the Civil Union Act was passed, over 1,000 same-sex couples have chosen to recognise their relationship by entering a civil union.

The Adoption Act allows "spouses" to jointly adopt a child. This has generally been interpreted as being limited to a married couple. However, in a recent case, the High Court decided that "spouses" can be interpreted to mean a man and a woman who are not married but living in a de facto relationship.

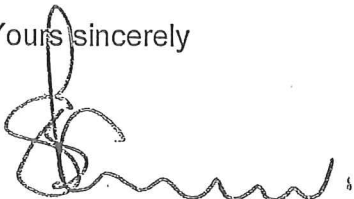
The Adoption Act also allows an individual to adopt a child even if they are in a de facto or same-sex relationship. Any application must meet the criteria in the Act. The same criteria are applied to individuals, whether in a same-sex relationship or not, and to married couples. If an application is made by one partner in a same-sex relationship the other partner may obtain orders for guardianship and day-to-day care of the child under the Care of Children Act 2004.

You may be interested to know that in New Zealand it is not usual for children who are in care to be adopted. The majority of children who cannot live with their own family are placed permanently in new homes by orders under the Care of Children Act. The Care of Children Act enables many of the benefits of adoption to be achieved by granting parenting orders for guardianship and day-to-day care. Information about "A Home for Life" is available on the Ministry of Social Development website: www.msd.govt.nz.

I am aware of the issues that you have raised. However, changes to the law to allow same-sex marriages are not currently being considered. The Government also has no immediate plans to review the Adoption Act 1955 but adoption law reform will be considered alongside other priority issues in the justice sector in the future.

Thank you for taking the time to write to me with your views on adoption and marriage law. I have asked officials at the Ministry of Justice to note the issues you raise and retain your correspondence on file to inform any future review.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Power', written in a cursive style.

Hon Simon Power
Minister of Justice

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